

# Town of Mashpee

16 Great Neck Road North, Mashpee, MA 02649  
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## Board of Health Minutes 07/16/2015

### Town of Mashpee

*16 Great Neck Road North  
Mashpee, Massachusetts 02649*

#### BOARD OF HEALTH – PUBLIC SESSION

##### Minutes of the Meeting of July 16, 2015

**Board Members Present:**

Burton Kaplan, Chairman  
Kalliope Egloff, Co-Chair  
Lucy Burton, Clerk

**Also Present:**

Glen Harrington, Health Agent

Chairman Burton Kaplan called the meeting to order at 7:03 PM.

**APPOINTMENTS****7:15 PM – Matt Costa, Cape & Islands Engineering – Nitrogen Aggregation Plan – 78 Alma Road.**

Matt Costa of Cape & Islands Engineering, representing the owners of 78 Alma Road, introduced himself to the Board.

Mr. Costa commented that he has submitted new nitrogen restriction easement documents that show the new credit land. Mr. Costa is seeking approval of the new nitrogen aggregation plan that will allow 20,759 square feet from the credit property in the nitrogen loading calculations for the facility property, 78 Alma Road. This will allow for three bedrooms under Title V standards.

Glen Harrington stated that the Board previously rescinded the one-bedroom deed restriction. The one bedroom to three bedrooms requires a new vote because it's based on a new credit property. The two plans: the facility plan and the credit plan, and the two grant of easement and restriction documents: one for the facility land and one for the credit land will need to be approved. Also, permission must be given from the owner of the credit land. The Board will need to approve the rescission of the one-bedroom deed restriction that is existing, which will be refiled with the three-bedroom grant of use restriction for the facility land.

Burton Kaplan made a motion that the Board of Health approve the request for the Nitrogen Aggregation Plan on the facility and credit properties for the owners of 78 Alma Road, as well as removing the existing one-bedroom deed restriction currently on the facility land. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**7:20 PM – Tim Santos, Holmes & McGrath – Request for Septic Repair – Ninety-Nine Restaurant.**

Glen Harrington commented that Mike McGrath informed him that there would be no representation for the Ninety-Nine Restaurant at the meeting but would like the Board of Health to review the information and approve it with the condition that if additional information is required, it would be addressed.

Mr. Harrington stated that this is a new technology which was tested at the innovative alternative center at Joint Base Cape Cod and will apply a great deal of air to the system. The expectation is that the life of the system will be extended with the installation of this technology. It has state approval through remedial use. If this is reviewed in the timeframe of the permit, it will meet the requirements of the Department of Environmental Protection approval letter.

Burton Kaplan voiced his concern that the approval from the Commonwealth of Massachusetts dated November 2010, expires August 13, 2015.

Mr. Harrington remarked that he sent his comments to the engineer. He requested that a septic inspection be performed to check the condition of the existing components before a new system is installed. Also, comments from the FAST operator, who is managing the existing alternative septic system, is essential. These are conditions and requirements from the Department of Environmental Protection approval letter that must be provided prior to installation.

The Board would like to defer action on this discussion until representation is present and a septic inspection is performed prior to the next scheduled Board of Health meeting.

Kalliope Egloff made a motion that the Board of Health continue the request for Retro-fit with Soil Air Units by GeoMatrix, LLC at Ninety-Nine Restaurants, 8 Ryan's Way, with the stipulation that a septic inspection occurs before the next scheduled meeting and the report is submitted to the Health Department. Lucy Burton seconded the motion. The motion was unanimously approved.

## **NEW BUSINESS**

**1. Sign Expense Warrants.** The Board members signed the expense warrant.

**2. Review/Approve BOH Public Session Minutes: June 18, 2015.**

Lucy Burton made a motion that the Board of Health approve the Public Session minutes of June 18, 2015, as amended. Burton Kaplan seconded the motion. The motion was unanimously approved.

**3. Request for 2015 Mobile Food Permit: Our Yellow Submarine (Julia Wild).**

Timothy Callahan of Our Yellow Submarine was contacted to participate in the Mashpee Recreation Department's "Food Truck Fridays". On the application Mr. Callahan selected seasonal dates, mobile, catering, and residential kitchen.

Glen Harrington commented that Mr. Callahan has not provided proof that he has a licensed residential kitchen. Therefore, he cannot operate as a residential kitchen.

Kalliope Egloff made a motion that the Board of Health approve the 2015 Mobile Food Permit for Our Yellow Submarine, Timothy Callahan, as amended. Lucy Burton seconded the motion. The motion was unanimously approved.

**4. Request for 2015 Food Establishment Permit: Bridges by Epoch at Mashpee.**

The Board of Health agreed that the application for Bridges by Epoch at Mashpee appears to be in order.

Kalliope Egloff made a motion that the Board of Health approve the 2015 Food Establishment Permit for Bridges by Epoch at Mashpee, Charles Fox. Lucy Burton seconded the motion. The motion was unanimously approved.

**5. Request for 2015 Catering Permit: Sly Fox Den (Sherry Pocknett).**

Glen Harrington commented that the menu, the ServSafe certificate, and the Allergen Awareness certificate for Sly Fox Den have not been provided to the Board of Health for processing. Mr. Harrington will request the items from Sherry Pocknett of Sly Fox Den.

Lucy Burton suggested that Ms. Pocknett provide the information before proceeding to operate within the Town of Mashpee.

Lucy Burton made a motion that the Board of Health approve the 2015 Food Establishment/Catering Permit for Sly Fox Den with the condition that Sherry Pocknett is not to open for business until the Board of Health receives her menu, Certified Food Manager's Certificate, and Allergen Awareness Certificate. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**6. Transfer of Ownership: Pizza Prima – Request for 2015 Food Establishment Permit.**

Burton Kaplan stated that Deborah Robbins has been an employee of Pizza Prima for 14 years and is purchasing the establishment from Philip Panasci. Ms. Robbins had been ServSafe certified but let it lapse. She has applied for the ServSafe training scheduled on August 5, 2015.

Deborah Robbins, potential buyer for Pizza Prima, introduced herself to the Board.

Ms. Robbins commented that there are other employees employed at Pizza Prima that are ServSafe certified. Philip Panasci, current owner, will continue to work with Ms. Robbins after the transfer of ownership until November 2015.

Kalliope Egloff made a motion that the Board of Health approve the 2015 Food Establishment Permit Transfer of Ownership, Deborah Robbins, Pizza Prima, with the condition that Ms. Robbins receives her ServSafe Certificate and provides it to the Board of Health. Lucy Burton seconded the motion. The motion was unanimously approved.

**7. Request for Outdoor Seating: Burrito Bistro Mashpee (13 Greene Street).**

The Board of Health had no issues with the request for outdoor seating for Burrito Bistro Mashpee.

Lucy Burton made a motion that the Board of Health approve the request for outdoor seating for six seats for Burrito Bistro Mashpee. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**8. Food Code Violation: Subway.**

Glen Harrington commented that during a food inspection by the summer intern no food managers were on site at Subway. Diana Roman assumed the position as new manager of Subway approximately May 15, 2015. Ms. Roman is not ServSafe certified and was informed that a ServSafe class was available on July 8, 2015. No notice was given to the Board of Health that anyone from Subway attended the ServSafe certification class and whether Subway has a ServSafe person on site.

The Board would like to issue a fine since Subway had more than 60 days to provide the ServSafe and Allergen Awareness Certificates.

Lucy Burton made a motion that the Board of Health fine Subway \$100.00 for violating the Food Code and to provide proof of the Food Manager ServSafe Certification to the Health Department one week from the date of notice. A certified food manager must be on site at all times, and if the certified food manager leaves, a person in charge with proper knowledge as a replacement must be available. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**OLD BUSINESS**

**1. Septic Loan Application Approval: 12 Ashumet Road.**

Glen Harrington remarked that there has been no change with the application for 12 Ashumet Road. The Board voted to continue discussion on this property from the last meeting. Ms. Macedo will not submit a loan application and has not returned Mr. Harrington's call. The property is technically in failure, but it is not overflowing onto the ground surface. The system was pumped in March and requires monitoring. A mother and her two daughters are living on the property, and there is a financial hardship.

Kalliope Egloff made a motion that the Board of Health continue discussion on 12 Ashumet Road. Lucy Burton seconded the motion. The motion was unanimously approved.

**2. Septic Loan Application Approval: 87 Lighthouse Lane.**

Glen Harrington stated that 87 Lighthouse Lane is a similar situation to that of 12 Ashumet Road. Mr. Harrington has been unsuccessful at contacting the Rivers. Mr. Harrington feels that this situation has been ongoing for quite some time and the Board should take action. Mr. Harrington has monitored the property, and sewage is not overflowing onto the ground surface. The Rivers have had several months to submit an application but as yet have not complied. Mr. Harrington will notify the bank and the Rivers informing them that a condemnation hearing will take place.

Kalliope Egloff made a motion to continue discussion on 87 Lighthouse Lane to the next scheduled meeting with notifications made to the bank and the owners of 87 Lighthouse Lane prior to the meeting. Lucy Burton seconded the motion. The motion was unanimously approved.

**3. Housing Violations: Summerwood Condominium, 300 Falmouth Road, Unit 17-C.**

Burton Kaplan stated that this is a request to re-condemn the unit at Summerwood Condominium, 300 Falmouth Road, Unit 17-C, because the bank did not follow through with the Board of Health's original demand.

Lucy Burton made a motion that the Board of Health re-issue the condemnation order for Unit 17-C at 300 Falmouth Road, Summerwood Condominium. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**4. Housing Inspection: #7 Lakeside Estates, 300 Nathan Ellis Highway.**

Glen Harrington recommended that the Board of Health make a motion and a vote to issue a notice to demolish and remove the trailer at #7 Lakeside Estates, 300 Nathan Ellis Highway.

Lucy Burton made a motion that the Board of Health issue the notice to demolish and remove #7 Lakeside Estates, 300 Nathan Ellis Highway. Kalliope Egloff seconded the motion. The motion was unanimously approved.

**ADDITIONAL TOPICS**

None.

**DISCUSSION****1. Meeting Update – Mashpee Cares Committee Meeting: Lucy Burton.**

Lucy Burton stated that the last meeting of the Mashpee Cares Committee was cancelled and has not been rescheduled. Today Ms. Burton received information that Gosnold is sponsoring a "Playing Above the Influence" night at the Falmouth Commodores field on Wednesday, July 29, 2015, with special guest Chris Herren.

**2. Meeting Update – Waste Management Committee Meeting: Kalliope Egloff.**

Kalliope Egloff commented that the Waste Management Committee Meeting was held this week at Mashpee Town Hall. The guest speaker was Paul Tilton. Discussion of their mission took place as well as different aspects of the Committee. Ms. Egloff thought perhaps an official recommendation from the Board of Health on their beliefs that are often aligned with the Waste Management Committee would benefit the mission.

Burton Kaplan made a motion that the Board adjourn the Public Session, to enter into Executive Session, not to return to the Public Session. Kalliope Egloff seconded the motion.

**Roll Call Vote:** Lucy Burton, yes; Kalliope Egloff, yes; Burton Kaplan, yes.

**NEXT MEETING**

The next meeting of the Board of Health is scheduled for Thursday, August 20, 2015, at 7:00 PM. As there was no further business, Kalliope Egloff made a motion to adjourn the Public Session Meeting of the Board of Health at 8:07 PM. Lucy Burton seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Frances Boulos  
Administrative Assistant  
Mashpee Board of Health

attachments